IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

JUDGMENT
IN
1. S.B. Criminal Appeal No.1483/2003

Raghuveer Singh S/o Ranvir Singh
Versus
The State of Rajasthan through Public Prosecutor

2. S.B. Criminal Appeal No.0942/2003

Raghuveer Singh S/o Ranvir Singh
Versus
The State of Rajasthan through Public Prosecutor

Date of Judgment ::: 13th March, 2007

PRESENT
HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Shri A.K. Gupta, with
Shri J.R. Bijrania and
Shri Rinesh Gupta, Counsel for accused-petitioner
Smt. Nirmala Sharma, P.P., for the State

//Reportable//

By the Court:-

These two criminal appeals, on behalf of accused-appellant Raghuveer Singh S/o Ranvir Singh, through two different Advocates, are directed against the impugned judgment dated 24th of September, 2003 passed by the Judge, (Women Atrocities & Dowry Cases), Jaipur City, Jaipur, in Sessions Case No.147/2002, whereby the appellant has been convicted under Section 376 (2)(b) of the Indian Penal Code (for shot, 'the IPC') and sentenced to ten years rigorous imprisonment and a

fine of Rs.500/- (Rupees five hundred), in default of payment of fine to further undergo additional one month's rigorous imprisonment; under Section 354 IPC to one year's rigorous imprisonment and fine of Rs.300/- (Rupees three hundred), in default of payment of fine to further undergo additional twenty days rigorous imprisonment; and under Section 342 IPC to one month's rigorous imprisonment and a fine of Rs.200/- (Rupees two hundred), in default of payment of fine to further undergo additional ten days rigorous imprisonment. All the sentences were ordered to run concurrently.

PW-19 – Gayatri Devi lodged a written-report (Exhibit P-14), at Police Station Phagi, alleging therein that her daughter Sharda, aged about 13 years, is the student of Class VI in Government Secondary School, Dabich. On 10.11.2000 Sharda, when came back at the home at 5.00 PM after school time, told her that Shri Raghuveer Singh, P.T.I. of the School, when the School was going to be closed at about 3.30 P.M., called her to serve him water. She served him water in his room. P.T.I. shut the door of the room from inside; she raised hue and cry but he put her hand on her mouth and she was threatened of dire consequences. He removed her clothes and

ravished her. On his threatening she washed her underwear in the room itself. He also told her not to tell anyone about the incident otherwise she will be given a severe beating. The report could not be lodged immediately looking to involvement of their family prestige in the Society and there was no one to come with them at the police station to report the matter. Her brother-in-law (Nandoi) Ram Kalyan came to her house on 12.11.2000 and she narrated him the incident. Thereafter Ram Kalyan told the incident to the Sarpanch of the village and the villagers, and came to lodge the report.

On the basis of the above report, F.I.R. No.320/2000 was registered under Section 376 and 342, IPC. The prosecutrix as well as accused were medically examined. After completion of investigation, the police filed a charge sheet in the matter.

The trial court framed charge against the appellant under Section 376 (2)(b), 342 and 354 of the IPC. The accused denied the charge and claimed to be tried.

After completion of trial, the learned trial court convicted and sentenced the accused-appellant as mentioned above.

The learned counsel for the appellant contended that in the present case there was delay of four days in lodging the report, which creates serious doubt on the prosecution case. It is contended that the incident took place on 10.11.2000 at about 3.30 P.M., whereas the written-report was lodged on 14.11.2000 and no explanation has been given for this delay in lodging the report. It is also contended that the prosecutrix PW-8 was medically examined and as per the medical-report (Exhibit P-19) only one injury was found on her cheek, which was as human-teeth-bite and no other external injury was found on her person. The hymen was found intact; there was no injury on Vulva. The discharge was present. He contended that the allegation of rape is not corroborated with the medical evidence, therefore, the prosecution case is doubtful and accused be acquitted. He also took the court through the prosecution evidence to show the contradictions in the statement of the prosecutrix Sharda (PW-8) to disbelieve her testimony. It is also contended that although the age of the

prosecutrix was mentioned as 13 years in the written report but as per the medical-report (Exhibit P-20) her age was found to be above 15 years and below 16 years. However, the learned trial court, after considering the oral and documentary evidence on the record, determined the age of the prosecutrix as 18 years. He also contended that there was a political enmity in between the Sarpanch and accused, and due to that reason the present FIR was lodged after a delay of four days and in absence of corroboration of the statement of the prosecutrix, the learned trial court has committed an illegality in convicting the accused appellant.

The learned Public Prosecutor contended that this is a case of rape with virgin girl aged 13 years. Although as per the medical-report her age has been shown in between 15-16 years, but she was the student of Class VI, therefore, her age could not have been more than 13 to 14 years at the relevant time. It is also contended that the prosecution has explained the delay of four days in lodging the report satisfactorily. The husband of the informant was not present in the village. It was a rural area. The day of 11th November was a holiday on the occasion of 'GURU NANAK DEO JAYANTI'; 12th

November was Sunday. On 13th November they went to School and narrated the incident to the Sarpanch of the Village and the villagers, and immediately thereafter the FIR was lodged on 14th of November, 2000. It is further contended that now there is settled law by the Hon'ble Apex Court that in case the statement of the prosecutrix inspires confidence of the Court then on her sole testimony, conviction can be based and it is not necessary that her statement should be corroborated with the medical evidence. It is contended that the statement of the prosecutrix is corroborated with the statements of PW-15 Kiran Soni, PW-16 Dhapu Soni, PW-18 Manju Sharma and PW-19 Gayatri Devi, the mother of the prosecutrix. It is also contended that under the threatening of the accused, the prosecutrix herself washed her underwear in the room itself, therefore, the evidence of blood or semen on her clothes could not be procured in the case. The prosecutrix was medically examined on 15th of November, 2000 i.e. after five days of the incident, hence other injuries on other parts of her body could not be detected. It is, therefore, contended that the trial court has rightly convicted and sentenced the accused-appellant and the present appeals deserve to be dismissed.

I have considered the submissions of the learned counsel for both the parties and minutely scanned the impugned judgment as well as the record of the trial court.

Before discussing the evidence of the case and arriving at any conclusion on appreciation thereof, first I would like to discuss the citations referred by both the parties, keeping in view the facts and circumstances of the present case.

In Ram Murti Vs. State of Haryana (AIR 1970 SC 1020), the Hon'ble Apex Court observed that the prosecutrix has made several divergent statements, and keeping in view the medical evidence, which shows that the prosecutrix had been used to sexual intercourse, held that in order to accept her statement that she was compelled, threatened or otherwise induced to go with the appellant there should, in our opinion, be corroboration of some material particular from some independent source and her bare statement cannot be considered sufficient to sustain the appellant's conviction.

In State of Karnataka v. Mapilla P.P. Soopi (JT 2003 (Suppl.1) SC 503), the Hon'ble Apex Court held that undue delay in lodging the complaint without acceptable evidence has contributed doubt in the prosecution case. The Apex Court was dealing with the appeal against an order of acquittal and while considering the evidence of PW-3, the prosecutrix, as noted by the High Court, observed that she has stated that immediately after the respondent entered her house, she raised an alarm but from the material produced by the prosecution even though there were children and other adults near-about the house of the victim, none responded to the said alarm though witnesses examined by the prosecution show they heard the alarm and by the time they went to the place of incident, they could only see the accused walking away. This indicates that if at all PW-3 raised an alarm it was only after the respondent went away from her house. This coupled with the fact that there were no injuries on the body of PW-3 to indicate any forceful assault on her, the Hon'ble Apex Court expressed its agreement with the finding of the High Court that the prosecution has failed to establish its case.

In Devinder Singh and Others v. State of Himachal Pradesh (JT 2003 (Suppl.1) SC 244), the Hon'ble Apex Court, in Para 17 of the judgment, observed that the medical evidence on the record does not support the case of the prosecution, it cannot be held affirmatively that the prosecutrix was subjected to sexual assault as alleged.

In Ramdas & Others Vs. State of Maharashtra (2006 AIR SCW 5675), the Hon'ble Apex Court considered the effect of delay in lodging the FIR and held that mere delay in lodging the report is not by itself necessarily fatal to case of the prosecution; the delay has to be considered in the background of the facts and circumstances of each case and is a matter of appreciation of evidence by the court of fact. Para 23 of the Judgment is reproduced as under:-

> " 23. Counsel for the State submitted that the delay in lodging the first information report in such cases is immaterial. The proposition is too broadly stated to merit acceptance. It is no doubt true that mere delay in lodging the first information report is not necessarily fatal to the case of the prosecution. However, the fact that the report was lodged belatedly is a relevant fact of which the court must take notice. This fact has to

be considered in the light of other facts and circumstances of the case, and in a given case the court may be satisfied that the delay in lodging the report has been sufficiently explained. In the light of the totality of the evidence, the court of fact has to consider whether the delay in lodging the report adversely affects the case of the prosecution. That is a matter of appreciation of evidence. There may be cases where there is direct evidence to explain the delay. Even in the absence of direct explanation there may be circumstances appearing on record which provide a reasonable explanation for the delay. There are cases where much time is consumed in taking the injured to the hospital for medical aid and, therefore, the witnesses find no time to lodge the report promptly. There may also be cases where on account of fear and threats, witnesses may avoid going to the police station immediately. The time of occurrence, the distance to the police station, mode of conveyance available, are all factors which have a bearing on the question of delay in lodging of the report. It is also possible to conceive of cases where the victim and the members of his or her family belong to such a strata of society that they may not even be aware of their right to report the matter to the police and seek legal action, nor was any such advice available to them. In the case of sexual offences there is another consideration which may weigh in the mind of the court i.e. the initial hesitation of the victim to report the matter to the police which may affect her family life and family's reputation. Very often in such cases only after considerable persuasion the prosecutrix may be persuaded to disclose the true facts. There are also cases where the victim may

> choose to suffer the ignominy rather than to disclose the true facts which may cast a stigma on her for the rest of her life. These are case where the initial hesitation of the prosecutrix to disclose the true facts may provide a good explanation for the delay in lodging the report. In the ultimate analysis, what is the effect of delay in lodging the report with the police is a matter of appreciation of evidence, and the court must consider the delay in the background of the facts and circumstances of each case. Different cases have different facts and it is the totality of evidence and the impact that it has on the mind of the court that is important. No straitjacket formula can be evolved in such matters, and each case must rest on its own facts. It is settled law that however similar the circumstances, facts in one case cannot be used as a precedent to determine the conclusion on the facts in another. (See AIR 1956 SC 216 : Pandurang and others v. State of Hyderabad). Thus mere delay in lodging of the report may not by itself be fatal to the case of the prosecution, but the delay has to be considered in the background of the facts and circumstances in each case and is a matter of appreciation of evidence by the court of fact."

In Dilip and Another Vs. State of M.P. (2001) 9 SCC 452, the Hon'ble Apex Court held that it is well settled that the sole testimony of the prosecutrix could be acted upon and made the basis of conviction without being corroborated in material particulars. However, the courts in sexual offences

should not ignore the rule about the admissibility of corroboration.

In Sudhansu Sekhar Sahoo v. State of Orissa (2003 AIR SCW 154) the Hon'ble Apex Court, in the facts and circumstances of that particular case, found that the statement of prosecutrix were not trustworthy and her statement were not corroborated with the medical evidence also. Consequently gave the benefit of doubt and acquitted the accused.

In Joseph Vs. State of Kerala (2000) 5 SCC 197, the Hon'ble Apex Court held that though injuries on the body of prosecutrix is not always a must or sine qua non to prove a charge of rape, having regard to the case of the prosecution that the victim had been subjected to brutal rape and forced sexual intercourse, this aspect of the matter cannot be completely lost sight of.

In Sri Narayan Saha and Another Vs. State of Tripura (2004) 7 SCC 775, the Hon'ble Apex Court held that on the sole testimony of the prosecutrix, the conviction can be maintained as prosecutrix is not accomplice but a victim of the crime; her evidence must receive the same weight as is attached

to an injured witness and it can be accepted without corroboration if the court, keeping in mind that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her, is satisfied that it can act on her evidence. It was further observed that if the victim does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence. Para 6 and 7 of the judgment are reproduced as under:-

> "6. A prosecutrix of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Indian Evidence Act, 1872 (in short "the Evidence Act") nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge leveled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to

> Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding, the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case discloses that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.
>
> 7. The aforesaid position was highlighted in State of Maharashtra v. Chandraprakash Kewalchand Jain (1990) 1 SCC 550 and Karnel Singh Vs. State of M.P. (1995) 5 SCC 518."

In State of H.P. Vs. Asha Ram (2005) 13 SCC 766, the Hon'ble Apex Court held that it is now a well-settled principle of law that conviction can be founded on the testimony of the prosecutrix alone unless there are compelling reasons for seeking corroboration. The evidence of prosecutrix is more reliable than that of an injured witness. The testimony of victim of sexual assault is vital,

unless there are compelling reasons which necessitate looking for corroboration of her statement. The courts should find no difficulty in acting on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. It is also a well-settled principle of law that corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under the given circumstances. Minor contradictions or insignificant discrepancies in the statement of the prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. The Hon'ble Apex Court also considered its earlier decision in Ranjit Hazarika v. State of Assam (1998) 8 SCC 635 : 1998 SCC (Cri) 1725), and held that non-rupture of hymen or absence of injury on victim's private parts does not belie her testimony. Para 18 of the Judgment in the case of State of H.P. Vs. Asha Ram, is reproduced as under:

> "18. In Ranjit Hazarika v. State of Assam {(1998) 8 SCC 635 : 1998 SCC (Cri) 1725}, this Court held that non-rupture of hymen or absence of injury on victim's private parts does not belie her testimony. This Court further held that the opinion

> of the doctor that no rape was committed cannot throw out an otherwise cogent and trustworthy evidence of the prosecutrix. This Court held that the evidence of the prosecutrix was amply corroborated by her mother and father whom she immediately informed about the occurrence."

In Om Prakash Vs. State of U.P. (2006) 9 SCC 787, the Hon'ble Apex Court held that victim of sexual assault is not treated as accomplice and as such, her evidence does not require corroboration from any other evidence including the evidence of a doctor. If the totality of the circumstances appearing on the record of the case discloses that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence. Para 13 and 14 of the Judgment are reproduced as under:-

> "13. It is settled law that the victim of sexual assault is not treated as accomplice and as such, her evidence does not require corroboration from any other evidence including the evidence of a doctor. In a given case even if the doctor who examined the victim does not find sign of rape, it is no ground to disbelieve the sole testimony of the prosecutrix. In normal course a victim of sexual assault does not like to disclose such offence even before her family

members much less before public or before the police. The Indian woman has a tendency to conceal such offence because it involves her prestige as well as prestige of her family. Only in few cases, the victim girl or the family members have courage to go before the police station and lodge a case. In the instant case the suggestion given on behalf of the defence that the victim has falsely implicated the accused does not appeal to reasoning. There was no apparent reason for a married woman to falsely implicate the accused after scatting (sic scathing) her own prestige and honour.

14. Of late, crime against women in general and rape in particular is on the increase. It is an irony that while we are celebrating women's right in all spheres, we show little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. We must remember that a rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault - it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female. The courts, therefore, shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which

> are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestation. This position was highlighted in State of Punjab v. Gurmit Singh (1996) 2 SCC 384 : 1996 SCC (Cri) 316.

The above referred various citations of the Hon'ble Apex Court make it clear that mere delay in lodging the FIR is not necessarily fatal to the prosecution case. However, the fact of lodging the report belatedly is a relevant factor of which the court must take notice. In the light of totality of the evidence, the court of fact, has to consider whether the delay in lodging the report adversely affects the case of the prosecution. There are cases where much time was consumed in taking the injured to the hospital for medical aid and, therefore, the witnesses find no time to lodge the report promptly, on account of fear and threats, witnesses may avoid

going to police station immediately, the time of occurrence, the distance of police station, mode of conveyance available, are factors which have bearing on the question of delay in lodging the report. In case of sexual assault there is another consideration, which may weigh in the mind of the court i.e. the initial hesitation of a victim to report the matter to the police which may affect her family life and family's reputation. Very often in such cases only after considerable persuasion the prosecutrix may be persuaded to disclose the true facts. There are also cases where the victim may choose to suffer the ignominy rather than to disclose the true facts, which may cast a stigma on her for the rest of her life. The effect of delay in lodging the report with the police is a matter of appreciation of evidence and the court must consider the delay in the background of the facts and circumstances of each case. It is also well settled that a victim of sexual assault is not treated as accomplice and as such her evidence does not require corroboration from any other evidence including the evidence of a doctor. In a given case even if a doctor, who examined the victim, does not find sign of rape, it is no ground to disbelieve the sole testimony of the prosecutrix, if the same inspires

confidence of the court. If the totality of the circumstances appearing on the record of the case discloses that the prosecutrix does not have a strong motive to falsely implicate the person charged, the court should ordinarily have no hesitation in accepting her evidence.

In view of the above legal premises, the facts of the present case and the evidence available on the record have been scrutinized minutely. The finding of the trial court has also been examined. The trial court has discussed the evidence of the prosecutrix in detail, which finds corroboration with the statement of PW-15 Kiran Soni, PW-16 Dhapu Soni, PW-18 Manju Sharma and PW-19 Gayatri Devi. The trial court has recorded a finding that there is no material and substantial contradictions in the statement of the prosecutrix about the charge against the accused. The trial court has also considered the explanation of the prosecution in respect of delay of four days in lodging the report and after discussing the prosecution evidence in detail recorded a finding that the prosecution has explained the delay of four days in lodging the report properly and, in my view, the finding of trial court is absolutely justified in the facts and circumstances of the present case and the same does not call for any interference by this court.

I have also examined the facts and evidence of the present case. Exhibit P-14, the written-report, was lodged by PW-19 Gayatri Devi, the mother of the prosecutrix, alleging therein that her daughter Sharda was ravished by accused Raghuveer in the school itself where the accused was posted as Physical Training Instructor (Teacher). The prosecutrix has been examined and she narrated the entire incident stating that on 10.11.2000 she was called by accused to serve him water in his room and soon she stepped in the room was locked from inside by the accused. She raised hue and cry but the accused shut her mouth and removed her clothes and committed rape with her. The accused also put teeth-bite on her cheek. She narrated the entire incident to her mother. The incident took place at about 3.30 PM when school was closed or going to be closed. PW-18 Manju Sharma, the cousin-sister of the prosecutrix and studying in the same school, was waiting for her. Sharda narrated the incident to Manju. Both of them returned to their house and Manju narrated the entire incident to PW-19 Gayatri Devi, the mother of the prosecutrix. On that day, the father of the prosecutrix was not in the village as he was residing at Jaipur. Since the matter was sensitive and connected with the family's

reputation, therefore, no report was lodged immediately. Number of contradictions were pointed out by the learned counsel for the appellant during the course of arguments in the statement of PW-8 Sharda, but I find that those contradictions are relating to other facts which are insignificant and minors and certainly there are no contradictions so far as commission of rape by accused on prosecutrix in the room of his occupation in the school, is concerned. The accused was posted as a Teacher (PTI). He being a teacher was expected to be very kind to his pupils. In our country, a teacher has great respect in the society, particularly in villages, and students do respect them like their natural guardians and sometimes they even do not disclose to their natural guardians the tortures given to them by teachers as they remain under the impression that they may not be imparted proper education or it may further lead non-cooperation of the teachers or the teacher may complain to his/her parents about negligence in studies. In this scenario, can a female student be expected to tell such type of incident to her parents? It was her cousin sister (PW-18) who persuaded her to tell the incident when she found her coming weeping. The accused, posted as a teacher (PTI) in the said

school misused his position exploiting the student of Class VI. The delay of four days in lodging the FIR has been explained satisfactorily in the present case. The learned trial court has considered the explanation of the prosecution in detail in this regard and I am in full agreement with the finding of the learned trial court in this regard. There is sufficient explanation of the prosecution regarding the delay in lodging the report. This was a case where there was initial hesitation in the mind of victim and her mother, to report the matter to the police as it was going to affect the family reputation and rest life of a virgin girl. The victim or her family was not going to gain anything in delaying the matter. As explained by the prosecution, the delay occurred on account of hesitation of the mother of the prosecutrix and further that she delayed reporting the matter to police till arrival of her husband and other relatives. The statement of the prosecutrix is very specific regarding the incident and commission of offence by the accused, for which he was charged and there is no ambiguity in her statement in this regard. PW-15 Kiran Soni and PW-16 Dhapu Soni were also the students of the same school; they have also corroborated the circumstances and the incident

alleged by the prosecutrix PW-8 Sharda, therefore, there is corroboration of the statement of the prosecutrix PW-8 Sharda with the statements of PW-15 and PW-16. PW-18 Manju is not only the student of said school but she is cousin-sister of the prosecutrix Sharda. It was Manju who was first narrated the incident by prosecutrix Sharda. Manju (PW-18) has stated before the court that on the relevant day she was waiting for Sharda when school time was over; thereafter Sharda came to me and started weeping and narrated the entire incident to me. Both of us departed for the house and on arrival there she narrated the incident to PW-19 Gayatri Devi. PW-19 Gayatri Devi also stated the same facts in her statement before the Court, therefore, the statement of PW-8 Sharda is corroborated with the statements of PW-15, PW-16, PW-18 and PW-19.

From the evidence on the record it is not proved that there was any enmity in between the accused and the family of the victim so as to presume that the accused has falsely been implicated in the matter or to hold that statement of prosecutrix requires corroboration. The accused, in his statement before the court recorded under Section 313, Cr.P.C., has also not stated any

specific instance of whatsoever kind – personal or political, which may lead me to presume that there was enmity in between the accused and family of the prosecutrix. His last answer in his statement is that he has been falsely implicated in the matter and he is innocent, but it cannot be treated as sufficient. If there was any enmity of the accused with the family of the victim then it could have been disclosed frankly. But, neither it was stated in his statement before the trial court under Section 313, Cr.P.C., nor it borne out from the cross-examination of any of the prosecution witnesses specifically. The so-called political enmity of the accused with Laxmi Narain Meena, the Sarpanch of the Village, is not proved and the same does not have any relevance in the facts and circumstances of the present case. A suggestion was also put to PW-21 Ram Kalyan, who was posted as Class-IV in the said School itself and was brother-in-law of the father of the victim, about the enmity of the accused with him, but he in his cross-examination specifically denied of any enmity with the accused and more-so the same could not have been the enmity with the family members of the victim so as to allege such serious charge of rape against the accused.

So far as medical evidence is concerned, although the medical-report shows that hymen was found intact and there was no external injury on the private parts or Vulva of the prosecutrix, but there was one injury of human-teeth-biting on her cheek. In this connection, it is relevant to mention that the incident took place on 10th whereas medical examination took place on 15th i.e. after five days. So far as FSL report is concerned, the same was in negative but in the written-report itself it was mentioned that accused threatened the victim and she washed her underwear in the room of the accused where she was ravished, therefore, there was no question of any blood or semen stained on her clothes. It is settled position of law that where there are material contradictions in the statement of prosecutrix then her statement may require corroboration but where her statement itself inspires confidence of the court then it is not necessary that her statement should be corroborated with the medical evidence. So far as the corroboration with other evidence is concerned, the statement of the prosecutrix is corroborated with other ocular evidence i.e. the statements of PW-15, PW-16, PW-18 and PW-19, as mentioned above. The

medical evidence, to some extent, also corroborates the statement of the prosecutrix so far injury on her cheek in the shape of human-teeth-biting. Even if there is no medical evidence about sexual intercourse with the prosecutrix, the same cannot be a ground for discarding the testimony of the prosecutrix in the facts and circumstances of the present case as discussed above in detail.

I have considered the statement of the prosecutrix minutely and am of the view that her statement inspires confidence of the court and the same are trustworthy and the trial court was right in convicting the accused-appellant for the charge framed against him.

I do not find any merit in any of the contentions of the learned counsel for the appellant. Consequently, I do not find any merit in the appeals and the same are hereby dismissed.

(Narendra Kumar Jain) J.

//Jaiman//